Federal Labor Relations Authority

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Establishing Labor-Management Forums

Under Executive Order 13522

EXECUTIVE ORDER 13522

- Federal Employees and Union representatives essential source of ideas and information to deliver services

- Non-adversarial forum promotes satisfactory labor relations and improves productivity and efficiency

- Labor-management forums complements existing collective bargaining process

- Allows parties to work collaboratively to deliver highest quality service

- Management and Union will discuss workplace issues and jointly develop solutions

EXECUTIVE ORDER 13522

- Under E.O. 13522 Agency Heads required to:
  - Establish labor-management forums at appropriate levels or recognition or adapt existing councils or committees;

  - Allow employees and unions pre-decisional involvement in ALL workplace matters, without regard to 5 USC 7106

  - Provide adequate information expeditioously, not prohibited by law, to union representative

  - Make good-faith effort to resolve issues concerning changes to COE, including those involving 5 USC 7106(b)(1) subjects

  - Evaluate and document in consultation with union changes in (a) employee satisfaction, (b) manager satisfaction, and (c) organizational performance.

What are Labor-Management Forums?

- No one size fits all -- forums will vary by organization.

- Essential characteristic of successful forums include:

  - More collaborative approach to labor-management relationship on all issues
  - Environment where all are respected and valued
  - Better understanding and acceptance of rights & responsibilities of both union and management
  - Open & candid sharing of information
  - Identify and jointly solve problems
  - Willingness to share power
 - Long-term commitment towards more collaborative relationship

Labor-Management Forums Results

- Increased commitment from all stakeholders to achieve agency mission

- Better service to public, increased productivity, and enhanced work product quality

- Joint resolution of problems

- Shared responsibility & accountability for results

- Enhanced employee and job satisfaction

- More constructive relationship

- Focus on relationship towards the specific accomplishment of goals/objectives to provide better service to the American People
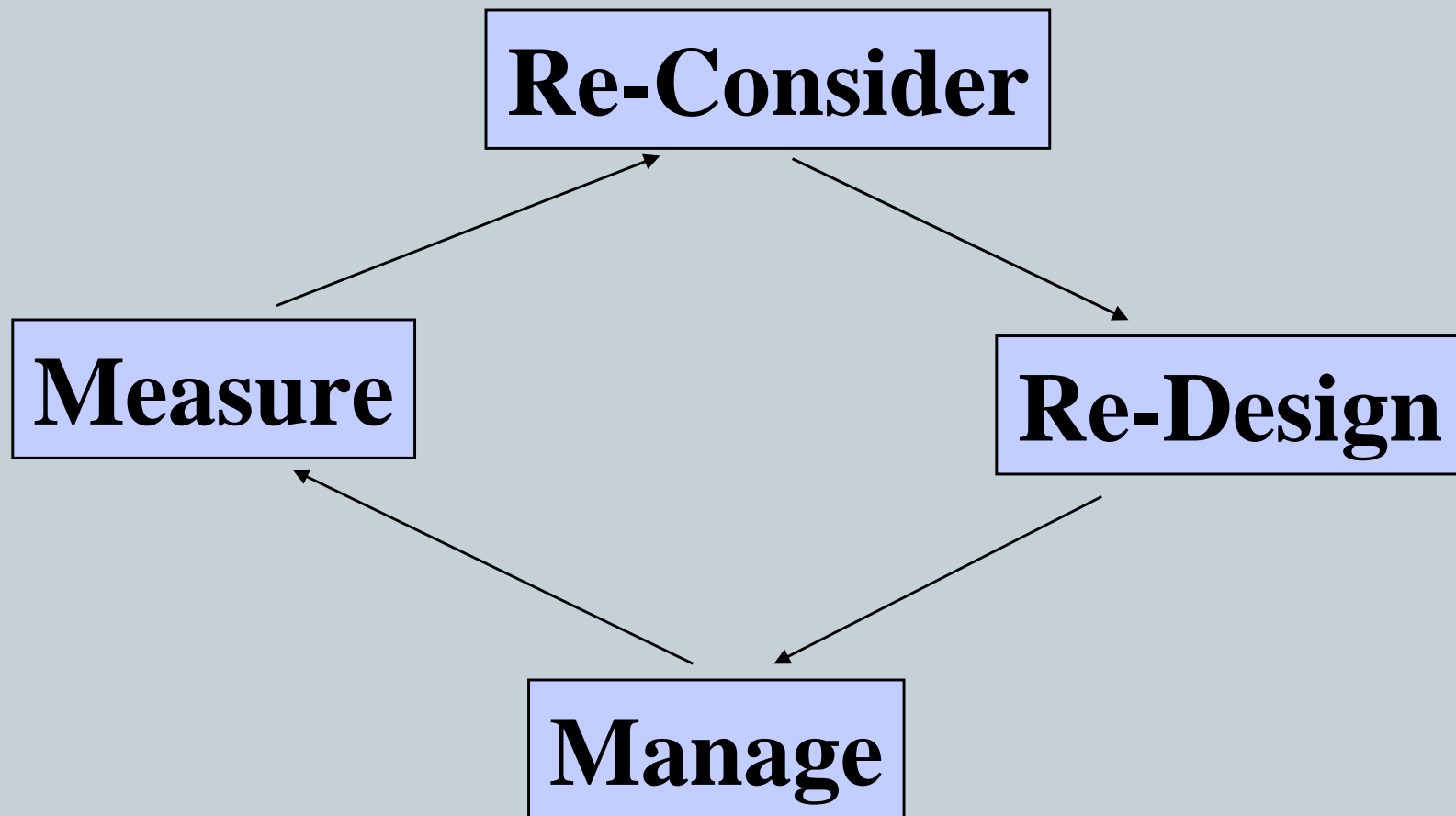
Consider

Establish

Manage

Measure

Re-Consider

Measure

Re-Design

Manage
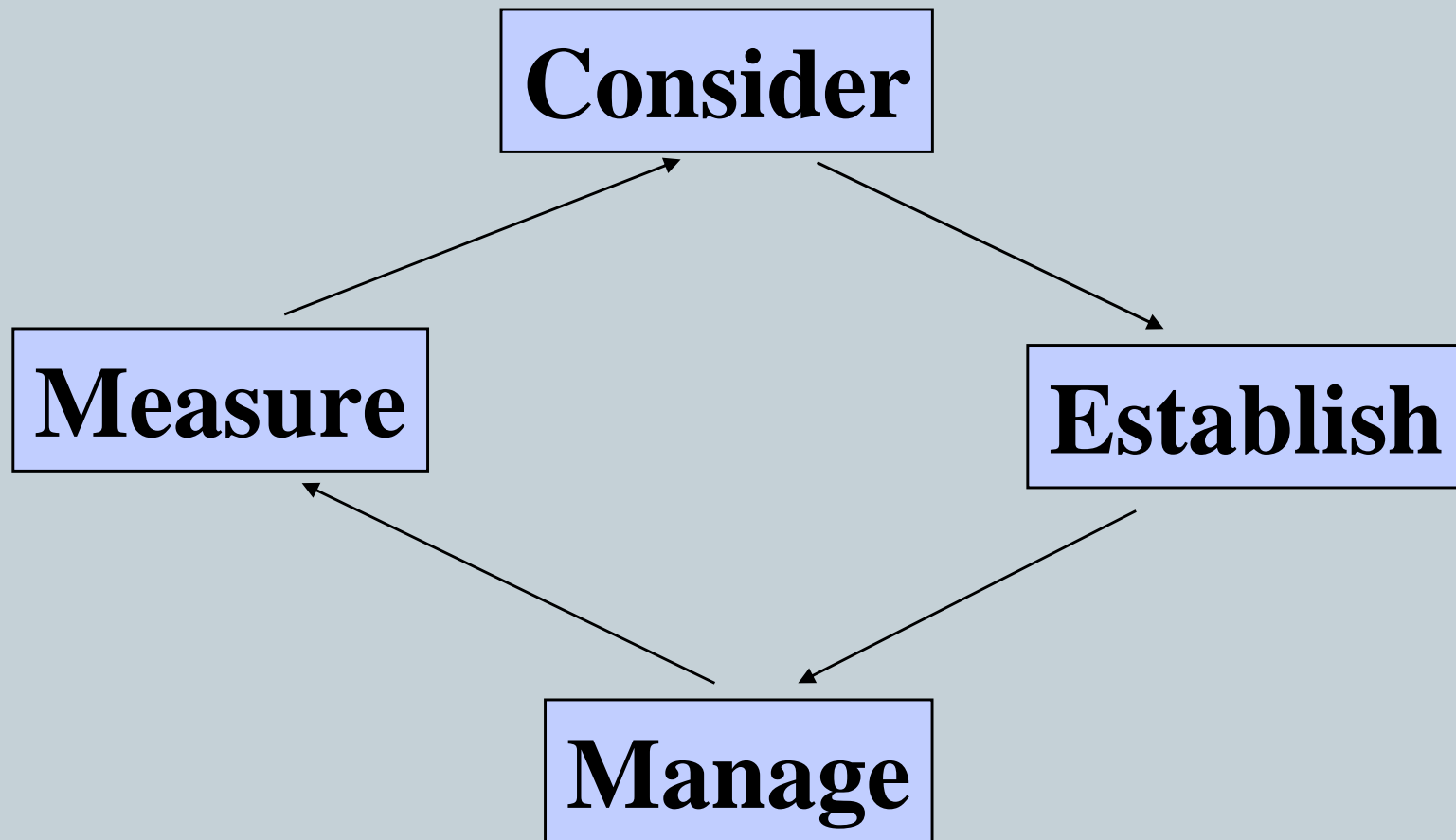
Elements of Success

- Trust

- Top Level Support and Commitment

- Training and Facilitation

- Open and Honest Communication

- Information Sharing

KEY ELEMENTS LEAD TO TRUST-BUILDING

Barriers to Success

- Inadequate Communication

- "Old Baggage"

- Old Attitudes and Culture

- Lack of Trust

- Lack of Training

- Turnover Among Forum Participants

Considerations

- The motivation to establish the forum
  - Assess current relationship
  - What needs to be done to improve relationship
  - What is keeping you from improving

- The need for parties form a shared vision, identify interests & establish initial goals
  - What interests do you have
  - Where do you want to go
  - What are the principles you will need to operate in a more collaborative relationship

- Are parties aware of needs of their constituents

Considerations

- Are parties committed to jointly explore a more collaborative relationship?
    - Do they understand E.O. 13522
    - Recognize and respect each others' rights and obligations under 5 USC 7101
    - Understand and recognize value of pre-decisional involvement

- Are parties willing to identify benefits of and restraints to establishing the forum?

- Do the parties recognize the value of having a collaborative/productive relationship?

- Are you willing to learn while leading?

Considerations

- Will parties commit necessary resources to support the labor-management forum?
    - People
    - Time
    - Money
    - Logistics

- Are parties committed to maintaining a long-term perspective towards a more collaborative relationship?

Establishing the Forum
Topics to Explore

- What is the purpose of the forum?

- Who are the members?

- Does the forum have a decision-making process?

- Does the forum have a process to resolve disputes?

- Has the forum provided training to its members?

- Will the forum use facilitators?

- Does the forum have behavioral ground rules (written or unwritten)?

Establishing the Forum
Topics to Explore

- Is the forum provided the necessary logistical and resource support?

- Does the forum have a communication process within its own structure and to its constituents?

- What will the forum evaluate and what measures will it use to determine if it has met its goals?

Establishing the Forum
The Who

- Membership – Get the Right People In the Room:
  - Are committed to making agency more efficient;

  - Have knowledge of agency history, policies, needs, bargaining agreements;

  - Understand and recognize the importance of pre-decisional involvement;

  - Understand and commit to solving problems through an interest-based process;

  - Recognize, respect, and deal with differences;

  - Respect each others' rights and responsibilities within Labor-Management Statute; and

  - Provide constructive criticism/feedback when needed.

Establishing the Forum
The Who

- Chairman/Co-Chairs

- Length of Membership

- Facilitator

- Observers

- Subject Matter Experts

- Quorum

Establishing the Forum
The What

- Purpose Statement (Charter/Agreement)

- Behavioral ground rules

- Agenda
  - Determine issues
  - Prioritization of issues
  - Length of time for each issue

- Frequency of meetings
  - Location and Length

- Minutes of Meetings
  - Distribution of minutes to constituents/concerned parties

Establishing the Forum
The How

- Authority
  - Decision-making v. recommending body

- Working Groups – Subgroups

- Training and Facilitation for all members

- Problem-Solving Process

- Decision-Making Process

- Evaluation Process/Feedback

- Measurement of Success

Managing the Forum
Key Concerns

- Demonstrate joint leadership and responsibility

- Develop goals and action plans for current and future activities to include:
  - Selecting & prioritizing issues to address

- Identify problems and challenge and priorities in building/maintaining a successful forum

- Use facilitators to help forum accomplish its goals

- Communicate forum activities to entire workforce
  - Establish two-way information flow that all have access to

Managing the Forum
Key Concerns

- Provide support to each other within the forum environment

- Use ADR procedures/techniques to resolve disputes
  - Interest-Based Process
  - Consensus Decision-Making

- Ensure that there is legitimate pre-decisional involvement

- Assure the appropriate resources are available to address the issues raised in the forum

Effective Forum
Norms

- Norms are informal rules about how a group works

- Reflect groups attitudes, practices and beliefs

- Groups need to become aware of norms

- Suggest what the preferred norms will be to make group effective

- Reinforce new norms through feedback

Recognizing Norms

- Meeting Management
  - How does forum accomplish tasks
  - How does it deal with differences of opinions
  - Does it use time effectively

- Style of communication
  - Does group allow members to talk over one another or ramble
  - Does group seek to hear from everyone

- Ability to Handle Conflict
  - Does the forum avoid conflict or is it surfaced and dealt with
  - Are members intimidated

- Shared leadership practices
  - Do members share responsibilities

Suggested Ground Rules

- Everyone Participates

- Listening is Important – One person speaks at a time

- Give respect – Every contribution is valuable

- Speak for yourself ("I" Statements) – unless representing others

- No zingers, put-downs or cheap shots about individuals and/or their ideas

- Open disagreement is okay

- Share all relevant information

- Maintain confidentiality

- Make decisions by consensus

- Have Fun. It's okay to enjoy the process

Pre-Decisional Involvement (*PDI*)

- E.O. 13522 -- Requires agencies to engage in *PDI* to the fullest extent practicable on all matters including those under 7106 of Statute.
  - Includes providing adequate information expeditiously to union representatives where not prohibited by law

- Provides forum for employees performing work that accomplishes agency mission to have legitimate input into decision-making process

- Parties recognize that *PDI* is in their best interest

- Effective *PDI* process understood and utilized is cornerstone of productive labor-management relationship

- Relationship of *PDI* to parties rights under the Statute – especially bargaining rights

Pre-Decisional Involvement (*PDI)*

- No specific definition of *PDI* in E.O. 13522

- Basic Principles:

    o *PDI* occurs early when ideas are forming

    o Participants have common expectations

    o Information freely shared throughout process

    o Use a interest-based problem solving approach in a team-based setting

    o Demonstrate a high commitment to process towards achieving their shared expectations

Pre-Decisional Involvement (*PDI)*

- *PDI* does not:

  ○ Expand scope of bargaining

  ○ Serve as an end in and of itself

  ○ Waive any rights of the parties under the Statue

Pre-Decisional Involvement (*PDI)*

- Benefits:
  - Better decisions
  - Fuller implementation of decisions
  - Greater support for decision
  - More timely implementation
  - Any subsequent collective bargaining will be facilitated

- Risks:
  - Increased investment of time
  - Increased administrative costs
  - Collective bargaining under Statute may still be necessary

Pre-Decisional Involvement (*PDI*)

- Parties have a common understanding of relationship between *PDI* and collective bargaining under Statute

- Need to determine course of action after *PDI* concluded as:
  - Recommendation accepted
  - Recommendation modified and accepted
  - Statutory bargaining required

- Agencies ensure *PDI* works when it solicits input up front and works together with union through consensus

- Unions ensure *PDI* works when it agrees to participate in a decision that it can live with and support through consensus

Problem Solving
Good-faith attempt to resolve issues

- E.O. 13522 requires agencies to resolve issues concerning proposed changes in conditions of employment, including those subjects in 5 U.S.C. 7106(b)(1) through discussion in its labor management forums

Interest-Based Problem Solving

- Interest-Based Process

  - A problem solving process conducted in a principled way that creates effective solutions through consensus decision-making while improving the relationship

- Interest-Based Process is NOT

  - A tactic for one party to get what it wants at other's expense
  - A method to get the largest imaginable settlement
  - Last minute concessions to get an agreement

Interest-Based Principles

- Focus on the issue(s)
  - Separate the people from the problem

- Identify and explore *Interests*
  - Look to needs of involved stakeholders

- Be open to possibilities and opportunities
  - Look at options not previously considered

- Create mutually acceptable decisions through consensus
  - Satisfy interests of stakeholders

Interest-Based Strategies

- Acknowledge emotions WITHOUT blaming

- Distinguish perceptions from truth (valid information)

- Understand how people view issues

- Speak for yourself: use "I" -- avoid "you"

- Listen ACTIVELY

Interest-Based Elements

- Describe interests openly and honestly

- Consider ALL options for possible solutions

- Choose from many options rather than "split the difference"

- Assure all participants are in a safe and respectful environment

Interest-Based Assumptions

- Enhances working relationship

- All participants feel like "winners"

- Participants work to help each other "win"

- Open discussion improves communications and trust

Consensus

- Consensus reached when ALL members feel they have been heard and understood, support the decision being made, and commit to its implementation

- Consensus is a PROCESS -- not an OUTCOME

- Consensus does not imply lack of conflict or tension

- Consensus is NOT 100% agreement with your first choice

Consensus

- LISTEN, pay attention to others

- Encourage participation

- Share all VALID and RELEVANT information

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- Don't agree to quickly

- Don't trade support

Consensus

- Treat differences as strengths

- Assign responsibility to those who say "no"

- Avoid arguing blindly for your own views

- Be honest about how you feel, but DO NOT attack any person or their ideas

- Learn from problems, DO NOT PLACE BLAME

- Create solution that can be supported by all stakeholders
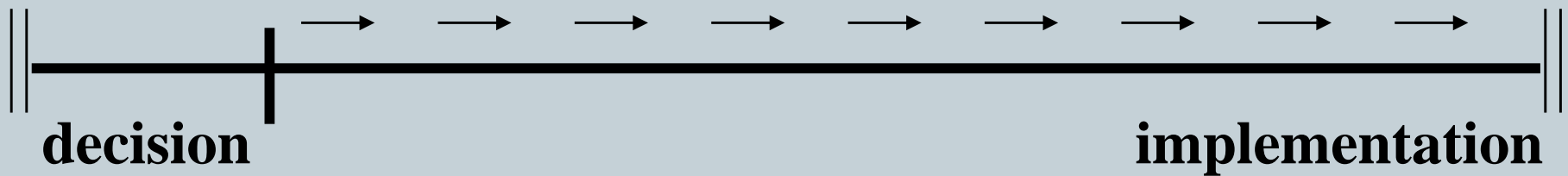
Consensus

- Maximizes individual input

- Builds group unity

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- Increases commitment and satisfaction

- Improves relationships

- Produces quality decisions

Decision-Making Timeline

Unilateral Decision-Making

decision

implementation

Consensus Decision-Making

decision

implementation

Interest-Based Outcomes

- Creative solutions that benefit organization as a whole

- Durable solutions supportable by all

- An improved relationship

- $ as well as time savings

Evaluate and Document
The Measurements

- E.O. 13522 requires specific metrics to monitor progress towards achieving its goals and performance trends in following key areas:

- Employee satisfaction

- Manager satisfaction

- Organizational performance resulting from forums
  - Productivity gains
  - Cost savings
  - Other measures as identified by forums

Evaluate and Document
The Measurements

- Have established time lines and targets been met

- Has litigation decreased

- Has communication process improved
  - Includes process to share information

- Has the forum made a good-faith effort to resolve its disputes/issues

- Does its decision-making process work
  - Includes pre-decisional involvement

Evaluate and Document
The Measurements

- Is there an increase in morale/job satisfaction

- Have efforts of forum led to a more efficient agency

- Evaluation is continuous process that should be visited at each forum meeting

- Determines aspects of forum that are successful and those that need improvement

- Evaluation requires adjustment (including reconsideration and re-design of forum)

Lessons Learned
Key Issues

- Parties determine who stakeholders/members are
- Successful forums include all key stakeholders
- Members are trained in collaborative/cooperation principles & skills
- Commitment from all to principles & goals of forum
- Forum continue to work together through difficult issues
- Issues raised by forum are discussed openly & honestly
- Results/Process communicated to constituents

Lessons Learned
Key Issues

- Share all relevant information
- Information can be validated independently
- Understood by each member of the forum
- Members provide feedback to each other
- Forums recognize what can and cannot do
- Recognize that cannot resolve all issues